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18 and T-UPR, LLC

11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 TAMARES LAS VEGAS PROPERTIES,  
14 LLC; PLAZA HOTEL & CASINO, LLC; and  
15 T-UPR, LLC,

16 Plaintiffs,

17 vs.

18 THE TRAVELERS INDEMNITY  
19 COMPANY,

20 Defendant.

Case No. 2:16-cv-02933-JAD-NJK

**STIPULATION AND ORDER TO  
EXTEND DISPOSITIVE MOTION  
DEADLINE & BREIFING SCHEDULE**

**(7th Request to Extend Deadline)**

**(1st Request to Extend Briefing Schedule)**

21 Plaintiffs Tamares Las Vegas Properties, LLC, Plaza Hotel & Casino, LL, and T-UPR,  
22 LLC (collectively “Plaintiffs”) and Defendant The Travelers Indemnity Company (“Travelers”),  
23 by and through their respective counsel of record, hereby stipulate and request that the Court  
24 extend dispositive motion deadline by approximately ten days (10) days and approve the  
25 proposed briefing schedule identified herein. This is the parties’ seventh request to extend a case  
26 management deadline in this matter, and the parties’ first and only anticipated request to modify  
27 the dispositive motion briefing schedule.  
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1 The Court previously granted extensions of ninety (90) days on September 8, 2017, forty-  
2 five (45) days on November 13, 2017, thirty (30) days on January 18, 2017; thirty (30) days on  
3 March 9, 2018; seventy-seven (77) days on June 19, 2018; and fourteen (14) days on September  
4 7, 2018. The primary reason for the parties' request to extend the dispositive motion deadline is  
5 that the parties anticipate it will take at least ten (10) additional days to obtain deposition  
6 transcripts of the recently completed expert depositions and review that testimony before filing  
7 their respective dispositive motions. The parties' request to modify the briefing schedule reflects  
8 the parties' good faith discussions regarding the time they expect will be needed to brief their  
9 respective motions for summary judgment in light of the issues in this case and the Thanksgiving  
10 holiday.

11 Pursuant to Local Rule 26-4, the parties state as follows:

12 **I. DISCOVERY COMPLETED TO DATE**

- 13 • The parties conducted the Fed. R. Civ. P. 26(f) conference.
  - 14 • The parties have exchanged initial and supplementary disclosures of documents  
15 and lists of witnesses, including the exchange of thousands of pages of documents.
  - 16 • The parties have propounded and responded to multiple sets of written discovery  
17 requests, including requests for admissions, requests for production of documents  
18 and interrogatories.
  - 19 • The parties have issued subpoenas *duces tecum* to approximately twenty-five (25)  
20 non-parties for documents relating to the alleged claim and loss, resulting in  
21 collection of tens of thousands of pages of documents. Some of those document  
22 subpoenas remain outstanding and the parties are working with the recipients to  
23 obtain records in response.
  - 24 • The parties have completed eighteen (18) fact witness depositions, including  
25 depositions of their respective representatives and employees and those of several  
26 non-parties.
  - 27 • Travelers has conducted (2) two site inspections of the subject premises.
- 28

- The parties' have engaged in extensive meet and confer efforts and have resolved, a number of issues relating disputes with respect to their respective discovery responses and depositions.
- Plaintiffs have provided the Defendant with their expert witness disclosures pursuant to Fed. R. Civ. P. 26(a)(2) and corresponding expert reports.
- Defendant has provided Plaintiffs with their expert witness disclosures pursuant to Fed. R. Civ. P. 26(a)(2) and corresponding expert reports.
- Plaintiffs have provided the Defendant with rebuttal expert reports and two (2) additional rebuttal expert witness disclosures pursuant to Fed. R. Civ. P. 26(a)(2).
- The parties have completed all thirteen (13) expert depositions.

## **II. DISCOVERY REMAINING TO BE COMPLETED**

The above list is made without prejudice to any party's ability to conduct additional discovery consistent with the Federal Rules of Civil Procedure.

## **III. REASONS WHY THE DEADLINES CANNOT BE COMPLETED WITHIN THE CURRENT SCHEDULE**

This is a complex insurance coverage action arising out of alleged storm damage to the Plaza Hotel & Casino in downtown Las Vegas. As noted above, the additional time to file dispositive motions is requested to provide the parties with additional time to obtain deposition transcripts of the recently completed expert depositions and review that testimony before providing filing their respective dispositive motions. In addition, the parties have agreed to and request that the Court approve the following briefing schedule for dispositive motions in this case:

- File Dispositive Motions: October 19, 2018
- File Opposition Papers: November 16, 2018
- File Reply Papers: December 7, 2018

1 The parties agree that this request is not made for the purpose of delay, but to ensure a just  
2 adjudication of the case on the merits, and that none of them will be prejudiced by the requested  
3 extension.

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10 **IV. PROPOSED SCHEDULE**

11 WHEREFORE, the parties respectfully request that this Court extend discovery deadlines  
12 as follows:

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EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Plaintiffs' Designation of Expert Witness(es)		COMPLETED
Defendant's Designation of Expert Witness(es)		COMPLETED
Close of Fact Discovery		COMPLETED
Plaintiffs' Disclosure of Rebuttal Expert Testimony		COMPLETED
Close of Expert Discovery	September 21, 2018	COMPLETED
File Dispositive Motions	October 9, 2018	<b>BRIEFING SCHEDULE:</b> <b>File Dispositive Motions: October 19, 2018</b> <b>File Opposition Papers: November 16, 2018</b> <b>File Reply Papers: December 7, 2018</b>

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1	Joint Pretrial Order	November 8, 2018	<b>November 8, 2018</b>
2			*In the event dispositive motions are filed, the
3			date for filing the Joint Pretrial Order shall be
4			suspended until 30 days after the decision of
			the dispositive motions or further order of
			Court.

5 **Case No. 2:16-cv-02933-JAD-NJK**

6 **Stipulation and Order to Extend**  
7 **Deadline to File Dispositive Motions &**  
8 **Briefing Schedule (7th Request)**

8 Dated September 24, 2018

Dated September 24, 2018

9 WEG & MYERS, P.C

FORAN GLENNON PALANDECH PONZI  
& RUDLOFF PC

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/s/ Casey G. Perkins

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*Counsel for The Travelers Indemnity  
Insurance Company*

19 *Counsel for Plaintiffs*

20 **ORDER**

21 IT IS SO ORDERED.

22 NO FURTHER EXTENSIONS WILL BE GRANTED.

23 DATED this 25 day of September 2018

25   
26 UNITED STATES MAGISTRATE JUDGE